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EXAMINER

BASOM, BLAINE T

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 06/18/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/737,527

Applicant(s)

AUSTIN ET AL.

Examiner

Blaine Basom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-17, 19-21, 55, 68-73, 75-82 and 84-88 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 69 and 70 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8, 10-17, 19, 21, 55, 68 and 71-88 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Response to Arguments***

The Examiner acknowledges the Applicants' amendments to claims 1, 55, and 68. Regarding these amended claims, the Applicants argue that the combination of Risberg and Nawaz, as described in the previous Office Action, fails to teach all of the limitations expressed in these claims. Applicant's arguments with respect to these claims have been considered but are moot in view of the following new grounds of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-8, 10-17, 19, 21, 55, 68, and 71-88 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,229,534, which is attributed to Gerra et al. (and hereafter referred to as "Gerra"). In general, Gerra presents a system for accessing and displaying data from multiple sources, such as remote legacy applications and web servers, within multiple frames of a single GUI window (see column 1, line 14 – column 2, line 36). Such a system particularly retrieves data from one source, and uses this data to further retrieve data from the other source (see column 2, line 39 – column 3, line 9). Consequently, it is understood that information from one source is published to another source in order to access information from

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the other source. The sources described by Gerra thus serve as targets for published information, and therefore, Gerra is considered to teach a method for configuring a graphical user interface element, particularly a GUI window, to publish and subscribe to a data target and data source, respectively.

Specifically regarding claim 1, Gerra teaches displaying a GUI element on a display, the GUI element specifically being a browser window comprising multiple frames, and whereby each frame is designated to display data from a source (for example, see column 6, lines 41-51). As each frame is designated to display data from a particular source, and since as described above, each source also serves as a target for information, it is understood that user input specifying a data source and data target with which to associate the frames of the GUI window is necessitated. In the case of the web server being a source of information, Gerra teaches that the user may specify this source using a URL (see column 1, lines 28-47). In response to receiving such input, the browser window is configured to automatically connect to one of the data sources and receive and display data from the data source, and publish this data to the other data source, which as described above, also serves as a target for published information (see column 2, line 56 – column 5, line 9). The other data source uses this published information to retrieve data relevant to the information.

With respect to claims 2 and 3, the GUI element of Gerra is a web browser window, as is described above. Since, as known in the art, a browser automatically connect to and receives and displays data from a source in response to user input specifying the source, it is understood that the such a browser window is configured without user programming, and without user input specifying source code for the operation.

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Concerning claim 5, the browser window of Gerra receives and displays data from the user-specified data source, and publishes this data to the specified data target, as is described above. It is understood that such is done after the window is configured to receive and display data from the user-specified data source, and publish this data to the specified data target.

In reference to claim 6, the method of Gerra executes on a first computer, and the data sources accessed via this method are each comprised within a second computer located remotely from the first computer, wherein the first computer is operable to connect to the second computer over a network (for example, see column 2, line 54 – column 3, line 9; and column 1, line 14 – column 2, line 36). Thus automatically configuring the GUI element to receive and publish data to these sources comprises automatically configuring the GUI element to connect to a second computer and receive and display data from a specified data source, and publish data to the specified data target.

As per claims 7, 8, and 10, Gerra discloses that the web browser window is associated with a first computer program, the computer program comprising a multi-frame browser, an event handler, TCP/IP connectors, and a rendering component (see column 6, lines 10-51). Gerra discloses that such a program may be constructed for a particular function, such as booking travel reservations, and thus requires access to specific data sources and targets (for example, see column 9, lines 10-56). As such data sources and targets may not be well known, it is understood that user input specifying such specific data sources and targets may be input during development of the computer program. As described above, the web browser window is operable to receive and display data from a specified data source, and publish this data to a specified data target during operation of the program. Since such data may comprise web page

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content, namely HTML-based applications (see column 6, lines 10-24, for example), it is understood that the multi-frame browser part of the program is responsible for interpreting and graphically displaying such web page content, as is common in the art. This program is thus considered a graphical program.

Concerning claim 11, Gerra discloses that the data source for HTML-based content may be an HTTP server (see column 6, lines 10-24; column 1, lines 28-46; and column 7, lines 56-60).

In regard to claims 12-14, the above-described user input specifies a first data source with which to associate the web browser window, wherein automatically configuring the web browser window comprises automatically configuring the window to receive and display data from this data source, as is described above. Specifically, this data source is a remote data source associated with a remote computer, wherein automatically configuring the window comprising automatically configuring the window to connect to the remote data source and receive and display data from the remote data source during program execution, as is described above in the rejection for claim 6. As further described above, the program of Gerra is operable to publish data to such a data source; the web browser window specifically accesses and displays data from another data source, and publishes the data to the first data source (for example, see column 2, line 54 – column 3, line 9). This data may comprise “live” data, such as travel information for a particular day (see column 9, lines 10-51).

In regard to claims 15-17, the above-described user input specifies a first data target with which to associate the web browser window, wherein automatically configuring the web browser window comprises automatically configuring the window to publish data to this data target, as is

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described above. Specifically, this data target is a remote data target associated with a remote computer, wherein automatically configuring the window comprising automatically configuring the window to connect to the remote data target and publish data to the remote data target during program execution, as is described above in the rejection for claim 6. As further described above, the program of Gerra is operable to receive data from such a data target; the web browser window specifically accesses and displays data from a data source, and publishes the data to a the data target in order to receive and display information relevant to the data received from the data source. (for example, see column 2, line 54 – column 3, line 9).

As per claims 19 and 20, the data source described by Gerra also serves as a data target for published information, as described above. Thus the data source is the same as the data target. The data received and displayed from such a data source may comprise “live” data, such as travel information for a particular day (see column 9, lines 10-51).

In reference to claim 55, Gerra teaches a method like that recited in claim 55, as is shown above in the rejections for claims 1 and 19.

As per claim 68, Gerra discloses that the above-described method may be implemented as a computer program on a memory medium (see column 4, lines 39-54). Such a memory medium comprising program instructions used to implement the above-described method is considered a memory medium, like that recited in claim 68, which is for configuring a graphical user interface element to publish and subscribe to a data target and data source, respectively.

Regarding claim 71, Gerra teaches displaying a graphical user interface element, namely a browser window comprising multiple frames, whereby it is understood that such a window is displayed in response to user input, as is known in the art (for example, see column 6, lines 41-

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51). As each frame is designated to display data from a particular source, and since as described above, each source also serves as a target for information, it is understood that user input specifying a data source and data target with which to associate the frames of the GUI window is necessitated. Gerra specifically discloses that a program may be constructed for a particular function, such as booking travel reservations, and thus requires access to specific data sources and targets (for example, see column 9, lines 10-56). As such data sources and targets may not be well known, it is understood that user input specifying such specific data sources and targets may be input during development of the computer program. In response to receiving such input, the browser window is configured to automatically connect to one of the data sources and receive and display data from the data source, and publish this data to the other data source, which as described above, also serves as a target for published information (see column 2, line 56 – column 5, line 9). The other data source uses this published information to retrieve data relevant to the information.

Claim 72 is rejected for the reasons described above in the rejection for claims 2 and 3.

As per claim 73, the program taught by Gerra is executed to receive data from a remote data source, display the data in a GUI element, and publish data to a data target (see column 9, lines 10-52).

With respect to claim 74, the program taught by Gerra is understood to be a graphical program, comprising a plurality of interconnected nodes, i.e. intersections, which visually indicate functionality of the graphical program (for example, see FIG. 6; each frame of the browser window comprises four nodes, delineating the corners of the frame).



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Regarding claim 75, it is understood that the data received from the remote data source has necessarily been published to the data source using some type of computer program, as is known in the art. This data may comprise “live” data, such as travel information for a particular day (see column 9, lines 10-51).

With respect to claim 76, Gerra teaches that the data source may be a server program, as is described above in the rejection for claim 11.

Concerning claim 77, Gerra teaches that the data target is the same as the data source, as is described above in the rejection for claim 19.

Regarding claim 78, Gerra discloses that the data source may be specified by a URL, as is described above in the rejection for claim 1.

In reference to claim 79, Gerra teaches that the remote data source may be associated with a second computer located remotely from the first computer, wherein as described above in the rejection for claim 6, the first computer is operable to connect to the second computer over a network.

Regarding claim 80, Gerra teaches displaying a graphical user interface element, namely a browser window comprising multiple frames, whereby it is understood that such a window is displayed in response to user input, as is known in the art (for example, see column 6, lines 41-51). As each frame is designated to display data from a particular source, and since as described above, each source also serves as a target for information, it is understood that user input specifying a data source and data target with which to associate the frames of the GUI window is necessitated. Gerra specifically discloses that a program may be constructed for a particular function, such as booking travel reservations, and thus requires access to specific data sources

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and targets (for example, see column 9, lines 10-56). Consequently, it is understood that user input specifying such specific data sources and targets may be input during development of the computer program. In the case of the web server being a source of information, Gerra teaches that the user may specify this source using a URL (see column 1, lines 28-47). In response to receiving such input, the browser window is configured to automatically connect to one of the data sources and receive and display data from the data source, and publish this data to the other data source, which as described above, also serves as a target for published information (see column 2, line 56 – column 5, line 9). The other data source uses this published information to retrieve data relevant to the information.

Claim 81 is rejected for the reasons described above in the rejection for claims 2 and 3.

As per claim 82, the program taught by Gerra is executed to receive data from a remote data source, display the data in a GUI element, and publish data to a data target (see column 9, lines 10-52).

With respect to claim 83, the program taught by Gerra is understood to be a graphical program, comprising a plurality of interconnected nodes, i.e. intersections, which visually indicate functionality of the graphical program (for example, see FIG. 6; each frame of the browser window comprises four nodes, delineating the corners of the frame).

Regarding claim 84, it is understood that the data received from the remote data source has necessarily been published to the data source using some type of computer program, as is known in the art. This data may comprise “live” data, such as travel information for a particular day (see column 9, lines 10-51).

With respect to claim 85, Gerra teaches that the data source may be a server program, as is described above in the rejection for claim 11.

Concerning claim 86, Gerra teaches that the data target is the same as the data source, as is described above in the rejection for claim 19.

Regarding claim 87, Gerra discloses that the data source may be specified by a URL, as is described above in the rejection for claim 1.

In reference to claim 88, Gerra teaches that the remote data source may be associated with a second computer located remotely from the first computer, wherein as described above in the rejection for claim 6, the first computer is operable to connect to the second computer over a network.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the U.S. Patent of Gerra, which is described above, and also over U.S. Patent No. 5,339,392, which is attributed to Risberg et al. (and hereafter referred to as "Risberg"). As described above, Gerra teaches a method like that recited in claim 1, the method involving receiving user input specifying a data source and target with which to associated a GUI element, whereby in response

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to receiving such input, the GUI element is automatically configured to connect to the data source and receive and display data from the data source. Gerra, however, does not explicitly disclose that the user input specifying the data source and target is received via a user interface dialog box, as recited in claim 4, or that the data displayed via the GUI element is measurement data, as recited in claim 20.

Like Gerra, Risberg discusses accessing information from multiple remote sources, specifically via particular GUI elements (see column 2, lines 25-55). Regarding the claimed invention, Risberg discloses that the user enters a source from which to receive data via a user interface dialog box (for example, see column 12, lines 5-28). Risberg additionally teaches that the data received and displayed by such a source may comprise data measured by one of various services, such as "MarketFeed2," "Telerate," or "Reuters" (see column 28, lines 40-47).

It would have been obvious to one of ordinary skill in the art, having the teachings of Gerra and Risberg before him at the time the invention was made, to modify the method taught by Gerra, such that a user may input a data source and target via a dialog box, and such that the data received and displayed from this source comprises measurement data, as is done by Risberg. It would have been advantageous to one of ordinary skill to utilize such a combination because dialog boxes provide a common and thus user-friendly means for entering data, and because the reception and display of measurement data is useful in particular applications, as is demonstrated by Risberg.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (703) 305-7694. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

btb

BA HUYNH  
PRIMARY EXAMINER